



## **CITY OF KIRKLAND**

### **Planning and Community Development Department**

123 Fifth Avenue, Kirkland, WA 98033

425.587.3225 ~ [www.kirklandwa.gov](http://www.kirklandwa.gov)

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## **MODIFICATION OF AN EXISTING WIRELESS FACILITY SUMMARY--PLANNING OFFICIAL DECISION**

File: WIR14-00161

Address: 3000 Carillon Point

Project Name: Verizon Wireless – SEA Carillon Point

Applicant: Sarah Telschow for Verizon Wireless

Project Planner: Christian Geitz

Date: 3/19/2014

Decision: ☐ Denied  
☒ Approved with the following conditions:

### **I. CONDITIONS OF APPROVAL**

- A. This application is subject to the applicable requirements contained in the Kirkland Municipal Code, Zoning Code, and Building and Fire Code. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these ordinances.
- B. The antennas and any visible mounting brackets and/or cables shall be painted to match the building facade color.
- C. The maximum size for equipment structures in residential zones is 5 feet in height and 125 square feet in area. The maximum size in non-residential zones is 10 feet in height and 240 square feet in area.
- D. The proposed equipment structure shall comply with the noise standards found in KZC Section 117.70.9 & 115.95.
- E. All personal wireless service facilities (PWSF) must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the Federal Government with the authority to regulate PWSF. If such standards and regulations are changed, then the owners of the PWSF governed by this chapter shall bring such PWSF into compliance with such revised standards and regulations in accordance with the compliance deadlines and requirements of such standards and regulations. Failure to bring PWSF into compliance with such revised standards and regulations shall constitute grounds for the removal of the PWSF at the owner's expense (KZC 117.65.14).
- F. In the event the use of any PWSF will be discontinued for a period of 60 consecutive days,

the owner or operator shall so notify the City in writing, and the PWSF shall thereafter be deemed to be abandoned. Determination of the date of abandonment shall be made by the City which shall have the right to request documentation and affidavits from the PWSF owner or operator regarding the issue of PWSF usage. Upon such abandonment, the owner or operator of the PWSF or the owner of the property upon which such facility is located shall have an additional 60 days within which to:

1. Reactivate the use of the antenna or transfer the PWSF to another owner or operator who makes actual use of the PWSF; or
2. Dismantle and remove the PWSF. If such PWSF is not removed within said 60 days from the date of abandonment, the City may remove such PWSF at the facility owner's and property owner's expense.

At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, City approval for the PWSF shall automatically expire.

- G. The wireless facility cannot be electronically connected to power, and the electrical permit cannot be approved until the Planning Department has completed a final inspection of the facility and signed off on the permit.

## II. COMPLIANCE WITH ZONING CODE CHAPTER 117

- A. The site is located in PLA 15A ZONING DESIGNATION, which is a non-residential zone as defined in KZC 117.15.
- B. General / Applicability - This proposal is:
1. Not exempted by KZC 117.25
  2. Not prohibited by KZC 117.30
  3. Section 117.20 of the Kirkland Zoning Code allows replacement of existing antennas that conform to the provisions of this chapter if such antennas are approved as a minor modification pursuant to section 117.105 (see below for modification criteria). Additionally, the usage of existing equipment structures is allowed to continue and routine maintenance and additions to the equipment structures are permitted if the size of the equipment structure is not increased. Minor modifications are reviewed by a Planning Official.
- C. A pre-submittal meeting was conducted on 12/17/2013.
- D. The application was deemed complete on 2/11/2014.
- E. MODIFICATION REQUEST

The applicant, Sarah Telschow on behalf of Verizon Wireless, has submitted a request to modify a Personal Wireless Service Facility (PWSF) located in a non-residential development located along Lake Washington Boulevard. The proposal includes the replacement of six existing antennas and adding associated ancillary equipment (See Attachment 1).

F. PREVIOUS APPROVAL

The wireless facility was originally approved as a land use permit, file number ZON09-00007. The original approval shows that 12 antennas were approved as well as the associated equipment on the roof and the ground. This modification allows replacement of six (6) number of antennas and allows replacement equipment.

G. ANALYSIS OF MODIFICATION CRITERIA

Section 117.105.2 allows the planning official to approve a minor modification to a wireless facility if all the following criteria are met:

1. The modification is minor and will not substantially change the proposed facility

*Staff Analysis: The replacement antennas, although wider and taller, are not significantly larger than the existing facility. The replacement antennas and associated equipment will be painted to match the existing roof mechanical walls, on which they are attached.*

2. There will not be any substantial changes in the impacts on the neighborhood or the City as a result of the change.

*Staff Analysis: The panels are located on top of the existing building along the mechanical enclosure and the public will unlikely notice any change to the facility. Additionally, the panel antennas are located more than 100 feet from the nearest right-of-way.*

H. DECISION OF PLANNING OFFICIAL

I approve the proposed modification as proposed. The conditions of approval are found at the beginning of this report. The approval of this modification does not release the applicant from satisfying provisions of Chapter 117.

III. STATE ENVIRONMENTAL POLICY ACT (SEPA)

☒ SEPA is not required.

☐ SEPA is required.

IV. SUBSEQUENT MODIFICATIONS

Modifications to the approval may be requested and reviewed pursuant to the applicable modification procedures and criteria in effect at the time of the requested modification.

V. APPEALS

The following is a summary of the deadlines and procedures for appeals. Any person wishing to file or respond to an appeal should contact the Planning Department for further procedural information.

KZC 117.95 allows the applicant to appeal a Planning Official decision to the Hearing Examiner. The appeal must be in writing and must be delivered, along with fees set by ordinance, to the Planning Department by 5:00 p.m., 4/2/2014, fourteen (14) calendar days after the date the

Planning Official's decision was mailed or otherwise delivered to the applicant.

VI. LAPSE OF APPROVAL (KZC 117.100) (Note: This section will need to be updated prior

The applicant must begin construction or submit to the City a complete building permit application for the development activity or other actions approved under this chapter within seven (7) years after the final approval of the City of Kirkland on the matter, or the decision becomes void; provided, however, that in the event judicial review is initiated per KZC 117.95, the running of the seven (7) years is tolled for any period of time during which a court order in said judicial review proceeding prohibits the development activity or other actions.

The applicant must substantially complete construction for the development or other actions approved under this chapter and complete the applicable conditions listed on the notice of decision within nine (9) years after the final approval on the matter or the decision becomes void.

VII. APPENDICES

Attachments

1. Applicant's Proposal